

## Federal Aviation Administration, DOT

## § 47.7

*U.S. citizen* means one of the following:

(1) An individual who is a citizen of the United States or one of its possessions.

(2) A partnership each of whose partners is an individual who is a citizen of the United States.

(3) A corporation or association organized under the laws of the United States or a State, the District of Columbia, or a territory or possession of the United States, of which the president and at least two-thirds of the board of directors and other managing officers are citizens of the United States, which is under the actual control of citizens of the United States, and in which at least 75 percent of the voting interest is owned or controlled by persons that are citizens of the United States.

[Amdt. 47-20, 44 FR 61939, Oct. 29, 1979; Amdt. 47-27, 70 FR 244, Jan. 3, 2005; Amdt. 47-29, 75 FR 41979, July 20, 2010]

### § 47.3 Registration required.

(a) An aircraft may be registered under 49 U.S.C. 44103 only when the aircraft is not registered under the laws of a foreign country and is—

(1) Owned by a citizen of the United States;

(2) Owned by an individual citizen of a foreign country lawfully admitted for permanent residence in the United States;

(3) Owned by a corporation not a citizen of the United States when the corporation is organized and doing business under the laws of the United States or a State within the United States, and the aircraft is based and primarily used in the United States; or

(4) An aircraft of—

(i) The United States Government; or

(ii) A State, the District of Columbia, a territory or possession of the United States, or a political subdivision of a State, territory, or possession.

(b) No person may operate an aircraft that is eligible for registration under 49 U.S.C. 44101-44104, unless the aircraft—

(1) Has been registered by its owner;

(2) Is carrying aboard the temporary authorization required by § 47.31(c); or

(3) Is an aircraft of the Armed Forces.

(c) Governmental units are those named in paragraph (a) of this section and Puerto Rico.

[Doc. No. 7190, 31 FR 4495, Mar. 17, 1966, as amended by Amdt. 47-20, 44 FR 61939, Oct. 29, 1979; Amdt. 47-27, 70 FR 244, Jan. 3, 2005; Amdt. 47-29, 75 FR 41979, July 20, 2010]

### § 47.5 Applicants.

(a) A person who wishes to register an aircraft in the United States must submit an Aircraft Registration Application, AC Form 8050-1 under this part.

(b) An aircraft may be registered only by and in the legal name of its owner.

(c) 49 U.S.C. 44103(c), provides that registration is not evidence of ownership of aircraft in any proceeding in which ownership by a particular person is in issue. The FAA does not issue any certificate of ownership or endorse any information with respect to ownership on a Certificate of Aircraft Registration, AC Form 8050-3. The FAA issues a Certificate of Aircraft Registration, AC Form 8050-3 to the person who appears to be the owner on the basis of the evidence of ownership submitted pursuant to § 47.11 with the Aircraft Registration Application, or recorded at the Registry.

(d) In this part, “owner” includes a buyer in possession, a bailee, or a lessee of an aircraft under a contract of conditional sale, and the assignee of that person.

[Amdt. 47-20, 44 FR 61939, Oct. 29, 1979, as amended by Amdt. 47-27, 70 FR 244, Jan. 3, 2005; Amdt. 47-29, 75 FR 41979, July 20, 2010]

### § 47.7 United States citizens and resident aliens.

(a) *U.S. citizens.* An applicant for aircraft registration under this part who is a U.S. citizen must certify to this in the Aircraft Registration Application, AC Form 8050-1.

(b) *Resident aliens.* An applicant for aircraft registration under 49 U.S.C. 44102 who is a resident alien must furnish a representation of permanent residence and the applicant's alien registration number issued by the Immigration and Naturalization Service.

(c) *Trustees.* An applicant for aircraft registration under 49 U.S.C. 44102 that holds legal title to an aircraft in trust

must comply with the following requirements:

(1) Each trustee must be either a U.S. citizen or a resident alien.

(2) The applicant must submit with the Aircraft Registration Application—

(i) A copy of each document legally affecting a relationship under the trust;

(ii) If each beneficiary under the trust, including each person whose security interest in the aircraft is incorporated in the trust, is either a U.S. citizen or a resident alien, an affidavit by the applicant to that effect; and

(iii) If any beneficiary under the trust, including any person whose security interest in the aircraft is incorporated in the trust, is not a U.S. citizen or resident alien, an affidavit from each trustee stating that the trustee is not aware of any reason, situation, or relationship (involving beneficiaries or other persons who are not U.S. citizens or resident aliens) as a result of which those persons together would have more than 25 percent of the aggregate power to influence or limit the exercise of the trustee's authority.

(3) If persons who are neither U.S. citizens nor resident aliens have the power to direct or remove a trustee, either directly or indirectly through the control of another person, the trust instrument must provide that those persons together may not have more than 25 percent of the aggregate power to direct or remove a trustee. Nothing in this paragraph prevents those persons from having more than 25 percent of the beneficial interest in the trust.

(d) *Partnerships.* A partnership may apply for a Certificate of Aircraft Registration, AC Form 8050-3, under 49 U.S.C. 44102 only if each partner, whether a general or limited partner, is an individual who is a citizen of the United States. Nothing in this section makes ineligible for registration an aircraft which is not owned as a partnership asset but is co-owned by—

(1) Resident aliens; or

(2) One or more resident aliens and one or more U.S. citizens.

[Amdt. 47-20, 44 FR 61939, Oct. 29, 1979, as amended by Amdt. 47-27, 70 FR 244, Jan. 3, 2005; Amdt. 47-29, 75 FR 41980, July 20, 2010]

**§ 47.8 Voting trusts.**

(a) If a voting trust is used to qualify a domestic corporation as a U.S. citizen, the corporate applicant must submit to the Registry—

(1) A true copy of the fully executed voting trust agreement, which must identify each voting interest of the applicant, and which must be binding upon each voting trustee, the applicant corporation, all foreign stockholders, and each other party to the transaction; and

(2) An affidavit executed by each person designated as voting trustee in the voting trust agreement, in which each affiant represents—

(i) That each voting trustee is a citizen of the United States within the meaning of 49 U.S.C. 40102(a)(15).

(ii) That each voting trustee is not a past, present, or prospective director, officer, employee, attorney, or agent of any other party to the trust agreement;

(iii) That each voting trustee is not a present or prospective beneficiary, creditor, debtor, supplier or contractor of any other party to the trust agreement;

(iv) That each voting trustee is not aware of any reason, situation, or relationship under which any other party to the agreement might influence the exercise of the voting trustee's totally independent judgment under the voting trust agreement.

(b) Each voting trust agreement submitted under paragraph (a)(1) of this section must provide for the succession of a voting trustee in the event of death, disability, resignation, termination of citizenship, or any other event leading to the replacement of any voting trustee. Upon succession, the replacement voting trustee shall immediately submit to the Registry the affidavit required by paragraph (a)(2) of this section.

(c) If the voting trust terminates or is modified, and the result is less than 75 percent control of the voting interest in the corporation by citizens of the United States, a loss of citizenship of the holder of the Certificate of Aircraft Registration, AC Form 8050-3 occurs, and § 47.41(a)(3) of this part applies.